

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Criminal No. 22-690 (EP)

vs.

ORDER FOR CONTINUANCE

THOMAS NICHOLAS SALZANO,
a/k/a “Nicholas Salzano,” and
REY E. GRABATO, II

This matter having come before the Court on the joint application of the United States, by Philip R. Sellinger, United States Attorney (Jonathan Fayer, Assistant U.S. Attorney, appearing), and defendant THOMAS NICHOLAS SALZANO, also known as “Nick Salzano” (Henry Klingeman and Ernesto Cerimele, Esqs., appearing), for an order granting a continuance of proceedings in the above-captioned matter; and the defendant being aware that he has the right to have this matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court pursuant to 18 U.S.C. § 3161(c)(1); and the defendant having consented to such continuance and having waived such right; and for good cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. This case is an unusual or complex case within the meaning of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(ii), in light of the nature of the prosecution such that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within 70 days.

2. The nature of this prosecution is complex because it involves, among other things, an 18-count, forty-three-page Indictment, three separate conspiracy charges involving multiple years, numerous co-conspirators, witnesses, and evidence comprised of voluminous banking records, accounting records, tax records, and electronic communications.

3. The discovery in this case is voluminous, consisting of, among other things, the review of nearly four million electronic records, several different images and extractions of approximately seven electronic devices and six portable hard drives, and additional time is necessary to ensure that, taking into account the exercise of diligence, defense counsel have sufficient time to review and inspect discovery and further investigate the charges in this matter.

4. The parties in this action are undertaking a process designed to reasonably protect the Defendant's attorney-client privilege (the "Filter Process"), which will require additional time to complete.

5. On November 4, 2022, the Defendant's then counsel, Michael Pedicini, Esq., withdrew from the matter, and new counsel, Henry E. Klingeman, Esq., was appointed as counsel in this matter, and Mr. Klingeman requires additional time to prepare for pretrial proceedings and to prepare for the trial itself.

6. The defendant has consented to this continuance and is not in custody pending trial.

7. The matter is currently scheduled for trial on March 5, 2024.

8. As a result of the foregoing, pursuant to 18 U.S.C. § 3161(h)(7)(A) and

(h)(7)(B)(ii) and (iv), the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendants in a speedy trial.

IT IS, therefore, on this 29th day of March, 2023,

ORDERED that this action be, and hereby is, continued until March 5, 2024;
and it is further

ORDERED that the period from the date of this order through March 5, 2024
be, and hereby is, excluded in computing time under the Speedy Trial Act of 1974, 18
U.S.C. § 3161 *et seq.*

A handwritten signature in black ink, appearing to read 'Evelyn Padin', is written above a horizontal line.

Honorable Evelyn Padin
United States District Judge

Form and entry consented to:

/s Jonathan Fayer

JONATHAN FAYER
LAUREN E. REPOLE
Assistant U.S. Attorneys

/s Henry Klingeman

Henry Klingeman, Esq.
Ernesto Cerimele, Esq.
Counsel for Defendant Thomas Nicholas Salzano